## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )			
	Plaintiff,	8:16CR161	
	vs.	DETENTION ORDER	
MARCOS GUTIERREZ-MORALES,			
	Defendant.		
A.	Order For Detention After conducting a detention hearing purs Act on May 20, 2016, the Court orders the to 18 U.S.C. § 3142(e) and (i).	suant to 18 U.S.C. § 3142(f) of the Bail Reform e above-named defendant detained pursuant	
B.	The Court orders the defendant's detent  X By a preponderance of the ex- conditions will reasonably assure By clear and convincing evidence	tion because it finds: vidence that no condition or combination of the appearance of the defendant as required. that no condition or combination of conditions	
C.	will reasonably assure the safety of any other person or the community.  C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:  X (1) Nature and circumstances of the offense charged:  X (a) The crime: having previously been removed from the United States, being found in the District of Nebraska after having re-entered the United States without the consent of the Attorney General or his successor in violation of 8 U.S.C. § 1326(a) and subject to two years imprisonment.  (b) The offense is a crime of violence.  (c) The offense involves a narcotic drug.  (d) The offense involves a large amount of controlled substances, to wit.  (2) The weight of the evidence against the defendant is high.  X (3) The history and characteristics of the defendant including:  (a) General Factors:  The defendant appears to have a mental condition which may affect whether the defendant will appear.  X The defendant has no substantial financial resources.  X The defendant has no substantial financial resources.  X The defendant does not have any significant community.  X The defendant does not have any significant community ties.  Past conduct of the defendant: use of an alias name.  The defendant has a history relating to drug abuse.  The defendant has a significant prior criminal record.  X The defendant has a significant prior criminal record.  X The defendant has a prior record of failure to appear at court proceedings.		
	(b) At the time of the curr Probation Parole	ent arrest, the defendant was on:	

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		Release pending trial, sentence, appeal or completion of sentence.
(c) Other Factors:		
` '	X	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to deportation if convicted.
	<u>X</u>	The Bureau of Immigration and Custom Enforcement
	_X_	(BICE) has placed a detainer with the U.S. Marshal.  Other: The defendant has two outstanding warrants for his arrest in Arizona.

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: May 20, 2016.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge